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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/665,482	KIM, PETER H. I.
	Examiner	Art Unit	
	PINKY BOVEJA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 January 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) <u>4,6,18,27 and 33-36</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5,7-17,19-26,28-32,37 and 38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 September 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to communication filed on 01/18/2008.

2.   Claims 4, 6, 18, 27, and 33-36 have been cancelled. Claims 1-3, 5, 7-17, 19-26,

28-32, and 37-38 are presented for examination.

3.   Amendments to claims 1, 3, 5, 11, 14, 15, 17, 19, 25, 26, and 28-32, have been

entered and considered.

Objections

4.   Claim 15 recites **a** storage of polls, and it should just recite storage of polls. The

claim also recites website having **an** content rating, and it should recite website having

a content rating. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   *Claims 1-3, 5, 7-17, 19-26, 28-32, 37, and 38 are* rejected under 35 U.S.C. 101.

In reference to claims 1-3 5, and 7-14, the invention is directed to a non-statutory

subject matter that is non-functional descriptive material. Descriptive material that

cannot exhibit any functional interrelationship with the way in which computing

processes are performed does not constitute a statutory process, machine, manufacture

or composition of matter. Certain types of descriptive material, such as a contract,

music, literature, art, photographs, and mere arrangements or compilations of facts or

data such as "searching stored polls to provide a selected set of polls" and "delivering

said Web page to permit user viewing and interaction", are merely stored so as to be

read or outputted by a computer without creating any functional interrelationship, either

as part of the stored data or as part of the computing processes performed by the

computer, where such descriptive material alone does not impart functionality either to

the data as so structured, or to the computer. Such "descriptive material" including data

such as "searching stored polls to provide a selected set of polls" and "delivering said

Web page to permit user viewing and interaction", are not a process, machine,

manufacture, or composition of matter is therefore non-statutory. The claimed "data"

elements are simply stored information. The "data" does not have any imparted

functionality, it this data per se is therefore non-statutory material. Furthermore, such

limitations do not alter the scope of the claims, since they do not further limit the claims.

Also, no additional steps are required to differentiate these limitations from the prior art.

In addition, steps such as "to provide" and "to permit" are intended use and are not

given any patentable weight.

6.   In reference to claims 15-*17, 19-26, 28-32, 37, and 38 the claimed invention is*

directed to a non-statutory subject matter that is non-functional descriptive material.

Descriptive material that cannot exhibit any functional interrelationship with the way in

which computing processes are performed does not constitute a statutory process,

machine, manufacture or composition of matter. Certain types of descriptive material,

such as a contract, music, literature, art, photographs, and mere arrangements or

compilations of facts or data such as "a first database comprising a storage of polls" and

"said website having a content rating level", are merely stored so as to be read or

outputted by a computer without creating any functional interrelationship, either as part

of the stored data or as part of the computing processes performed by the computer,

where such descriptive material alone does not impart functionality either to the data as

so structured, or to the computer. Such "descriptive material" including data such as "a

first database comprising storage of polls" and "said website having a content rating

level" are not a process, machine, manufacture, or composition of matter is therefore

non-statutory. The claimed "data" elements are simply stored information. The "data"

does not have any imparted functionality, it this data per se is therefore non-statutory

material. Furthermore, such limitations do not alter the scope of the claims, since they

do not further limit the claims. Also, no additional steps are required to differentiate

these limitations from the prior art.

Claim Rejections - 35 USC § 112

7. The second paragraph of 35 U.S.C. 112 is directed to requirements for the

claims:

> The specification shall conclude with one or more claims particularly pointing out
> and distinctly claiming the subject matter, which the applicant regards as his invention.

> There are two separate requirements set forth in this paragraph:
> (A)   the claims must set forth the subject matter that applicants regard as their
> invention; and
> (B)   the claims must particularly point out and distinctly define the metes and
> bounds of the subject matter that will be protected by the patent grant.

Claims *1-3, 5, and 7-17, 19-26,28, 31, 32, 37, and 38 are* rejected under 35

U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out

and distinctly claim the subject matter which applicant regards as the invention.

In reference to claims 1-3, 5, and 7-17, 19-26,28, 31, 32, 37, and 38, the claims recite providing polls that have content rating levels that fall within a minimum and maximum rating level of said website. It is unclear by this limitation if the two end point values of maximum and minimum are to be included in the range of polls that are provided of if only polls that are less than the maximum and more than the minimum ratings are to be provided. It is interpreted to mean that the minimum and maximum ratings are included in the range of polls provided.

In addition, in reference to claim 5, it is unclear what the Applicant means by said searching step further comprising defining said matching terms according to a marketing campaign, since defining terms is an additional step and not a searching step. It is interpreted to mean that the search step further comprises searching for matching terms within poll content descriptors associated with respective ones of said stored polls.

In addition, in reference to claims 14 and 28, it is unclear what the Applicant means by said building step further comprises storing new profile in a storage area, since storing a new profile is an additional step and not part of the building step. It is interpreted to mean that in information about a user is stored.

In addition, in reference to claim 17, the claim recites the system further including obtaining approval, and this is unclear because it is not the system that further includes this step, but rather the system comprising the administrative processor that executes instructions to provide this additional function. This is how the claim is interpreted as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-3, 5, *7*-9, *11*-17, 19-23, *25*, 26, and 28-*32* are rejected under *103(a)* as

being anticipated by Hamlin *et al (6,477,504 hereinafter Hamlin)* in view of the Article

titled "Ratings Debate Revs Up Critics say TV's attempt at self-regulation plan won't

curb controversial show content," by Nancy McAlister, published in Florida Times Union

on January 20, 1997 on page B.1 (hereinafter McAlister) and further in view of the

Article titled "The Media Business; G.M. Sets Big Ad Pact With NBC," by Jeremy

Gerard, published in The New York Times on May 1, 1990 on page D.1 (hereinafter

Gerard) *and further in view of Official Notice.*

In reference to claim 1, Hamlin discloses a method of providing remote users

with a centralized polling environment, comprising the steps of: creating polls (col. 6,

lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning a *content* rating to said

polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said polls in a

storage area (col. 11 lines 12-26); *determining (i.e.* assigning*)* an audience rating level

to the content of an affiliated website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines

64-66); *searching (i.e. it is inherent the content is searched for it to be served properly)*

and serving said stored polls to provide a selected set of said polls, wherein said

searching further comprises selecting polls that are more relevant to a user based on
that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13
lines 2) and that do not exceed said audience rating level of said affiliated website (col.
11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page of said
affiliated website (col. 12 lines 18-29); delivering said Web page to permit user viewing
and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13
lines 2); and updating an existing profile for said user based on said interaction (i.e.
creating   profile and updating information to indicate a user has already completed a
survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical
scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7),
Hamlin does not specifically teach rating the website content and the polls using an
alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme
(page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would
have been obvious to modify Hamlin to include the use of an alphabetical rating
scheme, to conform with pre-existing rating schemes for easier adaptation by people
who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls.
McAlister does not specifically teach using these ratings to also rate advertisements to
be shown during programming. Gerard teaches using program ratings to rate
advertisements to be shown during the programming (page 1 paragraph 2 and page 2
paragraph 3). It would have been obvious to modify Hamlin to rate both the website

content and the polls to ensure that targeted content is delivered to the appropriate
audience.

> *While Hamlin teaches rating the websites and the polls using a numerical*
scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7)
and searching polls that do not exceed said audience rating level of said affiliated
website (col. 11 lines 59 to col. 12 lines 7), Hamlin does not specifically teach
determining a minimum and maximum content rating level of the affiliated website and
delivering polls that have content rating levels that fall within said minimum and
maximum content rating level of said affiliated website. Official Notice is taken that is
well known to determine a minimum and maximum content rating and delivering
information that falls within that range. For example, when we go to the movies, the
previews that are shown before an R rated movie are for other R rated movies or below.
It would have been obvious to a person of ordinary skill in the art at the time of the
applicant's invention to have used determining a minimum and maximum content rating
level of the affiliated website and delivering polls that have content rating levels that fall
within said minimum and maximum content rating level of said affiliated website to
ensure that targeted content is delivered properly to the users accessing the websites.

9.   In reference to claim 3, Hamlin discloses the method of seeking and obtaining
approval and storing polls (col. 11 lines 1-27). *Hamlin does not teach obtaining*
approval to store based on whether content rating of each of said polls was correctly
assigned. Official Notice is taken that is well known to obtain approval to store based
on whether content rating of each of said polls was correctly assigned as done by

television stations to make sure that the advertisements that are shown in a family show are tailored appropriately for that audience. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have obtained approval to store based on whether content rating of each of said polls was correctly assigned to ensure that targeted content is delivered properly to the users accessing the websites to address parental control needs in making sure that children view appropriate content online.

10.   In reference to claims 2 and 16, Hamlin discloses the method wherein said creating step further comprises forming a question and a plurality of possible answer choices for each of said polls (col. 7 lines 29 to col. 9 lines 35 and Figures 3 and 4).

11.   In reference to claims 5 and 19, Hamlin discloses the method wherein said searching step further comprises searching for matching terms within poll content descriptors associated with respective ones of said *stored* polls (col. 12 lines 18-29 and 51-63).

12.   In reference to claim 20, Hamlin implicitly discloses searching function comprises defining said matching terms according to a marketing campaign (col. 9 lines 36-53 and col. 12 lines 18-29 and 51-63).

13.   In reference to claims 7 and 21, Hamlin discloses the method wherein said placing step further comprises embedding a new reference link with said web page (i.e. a banner ad hyperlink is presented on the web page) (col. 12 lines 8-50).

14.   In reference to claims 8 and 22, Hamlin discloses embedding a new reference

15.   In reference to claims 9 and 23, Hamlin discloses positioning said selected poll in

a predefined area of said webpage (i.e. poll is positioned as link from a banner ad on a

webpage) (col. 6 lines 26-37 and col. 12 lines 30-44).

16.   In reference to claim 11, Hamlin does not disclose the method wherein said

content rating is an established audience rating selected from the group consistent of

general *content* (G), parental guidance suggested for those13 years of age or younger

(PG- 13), and restricted for those under 17 years of age (R). However, Official Notice is

taken that using an MPAA rating for rating contents is well known as done for rating

movies so that parents and adults can know the rating of the content of the movies

before watching the movie and decide if it is appropriate for them to see it. Thus, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to use this type of a rating scale in the polls generated in Hamlin in order to

enable the user to know the rating of the content of the polls without taking the actual

poll and thereby giving the user and opportunity to decide if he is interested in given a

particular poll. Furthermore, since the MPAA rating scheme is well known and

recognized, a user will not need a lot of information about the rating scale if it is used to

rate polls, since the user will already be familiar with this rating scale from having seen

movies.

17.   In reference to claim 12, Hamlin discloses the method further including: building

a new profile for said user when said user is not associated with an existing profile (i.e.

data is collected and stored about a user) (col. 12 lines 51-55).

18.   In reference to claim 13, Hamlin discloses the method wherein, the user is

associated with said existing profile via a cookie embedded on a user computer (col. 12

lines 18-29 and col. 13 lines 18-34).

19.   In reference to claims 14 and 28, Hamlin discloses the method wherein, said

building step further comprises *storing* said new profile in said storage area (i.e.

information about a user is stored) (col. 12 lines 18-29 and col. 13 lines 18-34).

20.   In reference to claim 15, Hamlin teaches a computer-implemented system for

delivering information to users, comprising: an application server connected to a

network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled

to a first database comprising *storage* of polls (col. 11 lines 51 to col. 12 lines 63), said

application server being responsive to requests from a user computer of said network

for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63); a Web

server connected to said network and hosting a website, said website having a content

rating level (Figure 1), said Web server being responsive to request messages from a

user computer for a particular Web page from said website and to thereby deliver said

particular Web page to said user computer (col. 12 lines 18-29), said particular Web

page containing a reference link to polls *stored on* said first database (col. 11 lines 51 to

col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to said

application server, said administrator processor executing instructions to provide the

functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-

5); rating (col. 9 lines 36-53); assigning a *content* rating to said new polls (col. 9 lines 36

to col. 10 lines 8 and Figures 2B and 5); storing said new polls in said first database

(col. 11 lines 12-50); *searching (i.e. it is inherent a search is done in order to serve the polls) and* serving said stored polls based on predefined serving criteria to provide a selected set of said polls, wherein said serving further comprises selecting polls that are more relevant to a user based on that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13 lines 2) and that do not exceed said audience rating level of the content on said website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for one user based on said interaction with said one of selected polls (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7), Hamlin does not specifically teach rating the website content and the polls using an alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme (page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would have been obvious to modify Hamlin to include the use of an alphabetical rating scheme, to conform with pre-existing rating schemes for easier adaptation by people who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls. McAlister does not specifically teach using these ratings to also rate advertisements to

be shown during programming. Gerard teaches using program ratings to rate advertisements to be shown during the programming (page 1 paragraph 2 and page 2 paragraph 3). It would have been obvious to modify Hamlin to rate both the website content and the polls to ensure that targeted content is delivered to the appropriate audience.

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7) and searching polls that do not exceed said audience rating level of said affiliated website (col. 11 lines 59 to col. 12 lines 7), Hamlin does not specifically teach determining a minimum and maximum content rating level of the affiliated website and delivering polls that have content rating levels that fall within said minimum and maximum content rating level of said affiliated website. Official Notice is taken that is well known to determine a minimum and maximum content rating and delivering information that falls within that range. For example, when we go to the movies, the previews that are shown before an R rated movie are for other R rated movies or below. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have used determining a minimum and maximum content rating level of the affiliated website and delivering polls that have content rating levels that fall within said minimum and maximum content rating level of said affiliated website to ensure that targeted content is delivered properly to the users accessing the websites.

21.   In reference to claim 17, Hamlin discloses the *system* wherein said storing function further comprises seeking and obtaining approval and storing polls (col. 11

lines 1-27). *Hamlin does not teach obtaining approval to store based on whether content rating of each of said polls was correctly assigned. Official Notice is taken that is well known to obtain approval to store based on whether content rating of each of said polls was correctly assigned as done by television stations to make sure that the advertisements that are shown in a family show are tailored appropriately for that audience. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have obtained approval to store based on whether content rating of each of said polls was correctly assigned to ensure that targeted content is delivered properly to the users accessing the websites to address parental control needs in making sure that children view appropriate content online.*

22.   *In reference to claim 25, Hamlin does not disclose the system wherein said content rating is an established audience rating selected from the group consistent of general content (G), parental guidance suggested for those13 years of age or younger (PG- 13), and restricted for those under 17 years of age (R). However, Official Notice is taken that using an MPAA rating for rating contents is well known as done for rating movies so that parents and adults can know the rating of the content of the movies before watching the movie and decide if it is appropriate for them to see it. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use this type of a rating scale in the polls generated in Hamlin in order to enable the user to know the rating of the content of the polls without taking the actual poll and thereby giving the user and opportunity to decide if he is interested in given a particular poll. Furthermore, since the MPAA rating scheme is well known and*

recognized, a user will not need a lot of information about the rating scale if it is used to

rate polls, since the user will already be familiar with this rating scale from having seen

movies.

23.	In reference to claim *26 and 32,* Hamlin discloses the method further including:

building a new profile for said user when said user is not associated with an existing

profile (i.e. data is collected and stored about a user) (col. 12 lines 51-55). *Hamlin does*

not specifically teach the system wherein said administrative processor is configured to

execute directions to build a new profile. Official Notice is taken that is well known for

any processor to be configured to execute instructions to build a new profile. For

example, when a user visits a website for the first time, information is collected by the

website to begin to build a user profile so that when the user returns in the future,

targeted information and even recommendations can be provided to the user. It would

have been obvious to a person of ordinary skill in the art at the time of the applicant's

invention to have included an administrative processor configured to execute directions

to build a new profile to ensure that targeted content is delivered properly to the users

accessing the websites when they return to the website in the future.

24.	In reference to claim 29, Hamlin discloses a method of providing remote users

with a centralized polling environment, comprising the steps of: creating polls (col. 6,

lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning a *content* rating to said

polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said polls in a

storage area (col. 11 lines 12-50); *searching (i.e. it is inherent that the polls are*

searched before they are served) serving said stored polls to provide a selected set of

said poll placing one of said selected polls in a Web page (col. 12 lines 18-29, col. 12

lines 18-29, and col. 12 lines 51 to col. 13 lines 2); delivering said Web page to permit

user viewing and interaction with said one of selected polls in real time (col. 12 lines 18

to col. 13 lines 2); and updating an existing user profile of said user based on said

interaction (i.e. creating a profile and updating information to indicate a user has already

completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical

scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7),

Hamlin does not specifically teach rating the website content and the polls using an

alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme

(page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would

have been obvious to modify Hamlin to include the use of an alphabetical rating

scheme, to conform with pre-existing rating schemes for easier adaptation by people

who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls.

McAlister does not specifically teach using these ratings to also rate advertisements to

be shown during programming. Gerard teaches using program ratings to rate

advertisements to be shown during the programming (page 1 paragraph 2 and page 2

paragraph 3). It would have been obvious to modify Hamlin to rate both the website

content and the polls to ensure that targeted content is delivered to the appropriate

audience.

Hamlin discloses the method of seeking and obtaining approval and storing polls

(col. 11 lines 1-27). Hamlin does not teach obtaining approval to store based on whether content rating of each of said polls was correctly assigned. Official Notice is taken that is well known to obtain approval to store based on whether content rating of each of said polls was correctly assigned as done by television stations to make sure that the advertisements that are shown in a family show are tailored appropriately for that audience. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have obtained approval to store based on whether content rating of each of said polls was correctly assigned to ensure that targeted content is delivered properly to the users accessing the websites to address parental control needs in making sure that children view appropriate content online.

25.   In reference to claim 30, *while Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7) and searching polls that do not exceed said audience rating level of said affiliated website (col. 11 lines 59 to col. 12 lines 7), Hamlin does not specifically teach determining a minimum and maximum content rating level of the affiliated website and delivering polls that have content rating levels that fall within said minimum and maximum content rating level of said affiliated website. Official Notice is taken that is well known to determine a minimum and maximum content rating and delivering information that falls within that range. For example, when we go to the movies, the previews that are shown before an R rated movie are for other R rated movies or below. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have used determining a minimum and maximum content rating*

level of the affiliated website and delivering polls that have content rating levels that fall

within said minimum and maximum content rating level of said affiliated website to

ensure that targeted content is delivered properly to the users accessing the websites.

26.   In reference to claim 31, Hamlin discloses a computer-implemented system for

delivering information to users, comprising: an application server connected to a

network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled

to a first database comprising a *storage* of polls (col. 11 lines 51 to col. 12 lines 63),

said application server being responsive to requests from a user computer of said

network for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63);

a Web server connected to said network and hosting a website said website having a

content rating level (Figure 1), said Web server being responsive to request messages

from a user computer for a particular Web page from said website and to thereby deliver

said particular Web page to said user computer (col. 12 lines 18-29), said particular

Web page containing a reference link to polls stored in said first database (col. 11 lines

51 to col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to

said application server, said administrator processor executing instructions to provide

the functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and

3-5); assigning a *content* rating to said polls (col. 9 lines 36 to col. 10 lines 8 and

Figures 2B and 5); storing said new polls in said first database (col. 11 lines 12-50)

wherein storing function further comprises seeking and obtaining approval and storing

polls (col. 11 lines 1-27); *determining (i.e.* assigning*)* an audience rating level to the

content of said website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines 64-66);

searching (i.e. it is inherent the polls are searched and then served) and serving said

archived polls based on predefined serving criteria to provide a selected set of said polls

and that do not exceed said audience rating level of the content of said website (col. 11

lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said

website (col. 12 lines 18-29); delivering said Web page to permit user viewing and

interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2);

and updating an existing profile for said user based on said interaction with said one of

selected polls (i.e. creating a profile and updating information to indicate a user has

already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical

scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7),

Hamlin does not specifically teach rating the website content and the polls using an

alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme

(page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would

have been obvious to modify Hamlin to include the use of an alphabetical rating

scheme, to conform with pre-existing rating schemes for easier adaptation by people

who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls.

McAlister does not specifically teach using these ratings to also rate advertisements to

be shown during programming. Gerard teaches using program ratings to rate

advertisements to be shown during the programming (page 1 paragraph 2 and page 2

paragraph 3). It would have been obvious to modify Hamlin to rate both the website

content and the polls to ensure that targeted content is delivered to the appropriate

audience.

Hamlin discloses the method of seeking and obtaining approval and storing polls

(col. 11 lines 1-27). Hamlin does not teach obtaining approval to store based on

whether content rating of each of said polls was correctly assigned. Official Notice is

taken that is well known to obtain approval to store based on whether content rating of

each of said polls was correctly assigned as done by television stations to make sure

that the advertisements that are shown in a family show are tailored appropriately for

that audience. It would have been obvious to a person of ordinary skill in the art at the

time of the applicant's invention to have obtained approval to store based on whether

content rating of each of said polls was correctly assigned to ensure that targeted

content is delivered properly to the users accessing the websites to address parental

control needs in making sure that children view appropriate content online.

While Hamlin teaches rating the websites and the polls using a numerical

scheme, i.e. targeted for to kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7)

and searching polls that do not exceed said audience rating level of said affiliated

website (col. 11 lines 59 to col. 12 lines 7), Hamlin does not specifically teach

determining a minimum and maximum content rating level of the affiliated website and

delivering polls that have content rating levels that fall within said minimum and

maximum content rating level of said affiliated website. Official Notice is taken that is

well known to determine a minimum and maximum content rating and delivering

information that falls within that range. For example, when we go to the movies, the

previews that are shown before an R rated movie are for other R rated movies or below.

It would have been obvious to a person of ordinary skill in the art at the time of the

applicant's invention to have used determining a minimum and maximum content rating

level of the affiliated website and delivering polls that have content rating levels that fall

within said minimum and maximum content rating level of said affiliated website to

ensure that targeted content is delivered properly to the users accessing the websites.

27.   Claims 10, 24, 37, and 38, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hamlin *in view of McAlister and further in view of Gerard and further*

in view of Official Notice and further in view of Boe et al. Patent Number 6,236,975

(hereinafter Boe).

        In reference to claims 10 and 24, Hamlin does not teach the method wherein said

delivering step further comprises refreshing said Web page and providing results of said

one of selected polls within said Web page. Boe teaches refreshing the webpage (see

at least col. 10 lines 23-50; col. 12 lines 3-11; col. 14 lines 39-41) and providing results

of said one of selected polls within said a webpage (Figs. 4e and associated text; col.

11 line 50 to col. 12 line 11; col. 14 lines 39-41). It would have been obvious to modify

Hamlin to include refreshing said Web page and providing the results of said on of the

selected polls within said Web page as taught by Boe, in order to provide the results of

the polls instantly to users in real-time and make the polling more interesting and

interactive and thereby motivate future participation in other polls by the same users.

28.   In reference to claim 37, Hamlin does not teach the method further comprising

selecting advertising content based on said existing profile, associating the

advertisement with a second one of said selected polls, placing the second one of said

selected polls and the associated advertisement in a Web page, and delivering the Web

page to permit user viewing advertisement and interaction with the second poll and the

associated advertisement. Boe teaches the method further comprising selecting

advertising content based on said existing profile, associating the advertisement with a

second one of said selected polls, placing the second one of said selected polls and the

associated advertisement in a Web page, and delivering the Web page to permit user

viewing advertisement and interaction with the second poll and the associated

advertisement (col. 6 lines 47 to col. 7 lines 8 and Fig. 4b and 4d and associated text). It

would have been obvious to modify Hamlin to include advertising content based on an

existing profile and attaching the advertising content with the second poll to enable the

administrator to increase revenues from the poll and from the accompanying

advertisement while presenting the user taking the poll with advertisement that is

relevant. Furthermore, it would be obvious to include the advertisement with a second

poll, since more than one poll may be administered based on the results of the first poll

to capture more in depth information from the users that the advertisers want to target.

29.   In reference to claim 38, Hamlin does not teach the method further comprising

updating the said existing profile based on the interaction with the second poll (col. 6

lines 58 to col. 7 lines 8). Boe teaches the method further comprising updating the said

existing profile based on the interaction with the second poll (col. 6 lines 58 to col. 7

lines 8). It would have been obvious to modify Hamlin to include updating the said

existing profile based on the interaction with the second poll, since Hamlin already

updates the profile based on a given poll, and updating the profile based on the second

poll would lead to more accurate profile of the user that will be more valuable to the

polling parties.

Response to Arguments

30.   After careful review of Applicant's remarks/arguments filed on 01/18/2008, the

Applicant's arguments with respect to claims 1-3, 5, 7-17, 19-26, 28-32, and 37-38 have

been fully considered but are moot in view of the new ground(s) of rejection.

Amendments to the claims have both been entered and considered.

31.   While the Applicant's addressed the previous 35 U.S.C. 101 and 35 U.S.C. 112

first and second paragraph rejections, new 35 U.S.C. 101 and 35 U.S.C. 112 second

paragraph rejections have been necessitated by the Applicant's amendments, and

these rejections have been presented in the Office Action above.

32.   Applicants additional remarks are addressed to new limitations in the claims and

have been addressed in the rejection necessitated by the amendments.

Conclusion

33.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is

571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central**

FAX phone number for the organization where this application or proceeding is

assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Examiner, Art Unit 3622

/Yehdega Retta/
Primary Examiner, Art Unit 3622

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/665,482	KIM, PETER H. I.	
	Examiner	**Art Unit**	
	PINKY BOVEJA	3622	